

AN ACT

ENTITLED, An Act to require certain tax refund claims for construction projects and certain documents and records in support of tax refund claims for construction projects to be filed within certain time periods.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 10-45B-8 be amended to read as follows:

10-45B-8. Any person issued a permit pursuant to this chapter shall submit a claim for refund to the department no more frequently than on or before the last day of each month and no less frequently than on or before the last day of each month following each calendar quarter. The secretary shall determine and pay the amount of the tax refund within ninety days of receipt of the claim for refund. Ninety-five percent of the amount of refund shall be paid to the claimant in accordance with §§ 10-59-22 and 10-59-23, and five percent shall be withheld by the department. No interest may be paid on the refund amount. If electronic funds transfer is available to the secretary, the secretary shall pay the refund by electronic funds transfer if requested by the claimant.

Section 2. That chapter 10-45B be amended by adding thereto a NEW SECTION to read as follows:

No claim for refund pursuant to this chapter may be considered by the department if the claim for refund is received after the following applicable time period:

- (1) Twelve months after the thirty-six month time period of § 10-45B-4;
- (2) Twelve months after the thirty-six month time period of § 10-45B-4.1 for projects with project costs of sixty million dollars or less;
- (3) Twelve months after the seventy-two month time period of § 10-45B-4.1 for projects with project costs of more than sixty million dollars; or
- (4) Twelve months after the extended time period of § 10-45B-4.1 for projects that have

obtained a time limit extension from the secretary.

Moreover, any such claim is barred from any future refund eligibility.

Section 3. That chapter 10-45B be amended by adding thereto a NEW SECTION to read as follows:

No document or record in support of any claim for refund may be considered by the department if the documents or records in support of any claim for refund are received after the following applicable time period:

- (1) Twelve months after the thirty-six month time period of § 10-45B-4;
- (2) Twelve months after the thirty-six month time period of § 10-45B-4.1 for projects with project costs of sixty million dollars or less;
- (3) Twelve months after the seventy-two month time period of § 10-45B-4.1 for projects with project costs of more than sixty million dollars; or
- (4) Twelve months after the extended time period of § 10-45B-4.1 for projects that have obtained a time limit extension from the secretary.

Moreover, any such document or record is barred from any future consideration.

However, if the department requests any additional document or record from the project owner after a review of the claim for refund, and the request is made after the applicable time period provided by this section has expired, the project owner has sixty days to provide the requested document or record. No document or record received after this sixty-day period may be considered by the department. Moreover, any such document or record is barred from any future consideration.

Section 4. That chapter 10-45B be amended by adding thereto a NEW SECTION to read as follows:

The provisions of section 2 and section 3 of this Act apply to refunds for projects only if the permit was applied for after June 30, 2009.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1009

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1009
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State